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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,544	09/28/2001	Gan-Moog Chow	N.C. 82,637	3267

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EXAMINER	
SAVAGE, JASON L	
ART UNIT	**PAPER NUMBER**
1775	

DATE MAILED: 11/25/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

CLO 15

Advisory Action BEST AVAILABLE COPY	Application N . 09/964,544	Applicant(s) CHOW ET AL.	
	Examin r Jason L Savage	Art Unit 1775	

--The MAILING DATE of this communication appears on th c ver sheet with the correspondence address --

THE REPLY FILED 06 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☒ Applicant's reply has overcome the following rejection(s): Rejections under USC 112 to claims 19-22 and 24-25.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *19-22 and 24-25*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

JOHN J. ZIMMERMAN
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive. Applicant essentially argues that the Hunt reference does not anticipate or obviate the claimed subject matter since Applicant claims a thermal spray process and applicant recites that splat microstructures greater than several microns are not contained in the film. Despite Applicant's assertions to the contrary, Hunt does in fact teach the thermal spraying process of plasma spraying. Furthermore, Applicant's assertion that the film of Hunt does not anticipate or obviate the claims since there is no mention of splat microstructures is not persuasive. It is the position of the Examiner that the absence of splat microstructures greater than several microns thick would be inherent. As was stated in the office action, Hunt teaches thermally spraying finely atomized liquid precursors. Furthermore, Hunt teaches that the maximum droplet size is less than 2 micrometers. It would be reasonable to expect that the splat microstructures formed in the film of Hunt would not be much greater than the droplet size. Therefore, despite Applicant's assertions to the contrary, Hunt does teach a film devoid of splat microstructures having thicknesses greater than 10 micrometers, wherein 10 micrometers is understood to be the upper limit of limitation 'several micrometers' in the claims.

Applicant also argues that the prior art use of powder agglomerate feedstock in thermal spray processes to form the films had multiple drawbacks; however, Applicant fails to explain how this applies to the closest prior art of Hunt, particularly since Hunt teaches the use of solution precursors.